

FILEDJAN 18 2018
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ND MISS. FORM P3. COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPITyrowone Louis Kimble
Plaintiff

CASE NO.

3:18CV38-BB-RPCoffeaville Police Dept et al
Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Tyrowone Louis Kimble

B. Name under which sentenced:

Tyrowone Louis Kimble

C. Inmate identification number:

0050689

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Yalobusha County Detention Center
11803 Hwy 32 East Water Valley, MS 38965

E. Place of confinement:

Yalobusha County Detention Center

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Mark Martin

Title (Superintendent, Sheriff, etc.):

Chief of Police

Defendant's mailing address (street or post office box number, city, state, ZIP)

Coffeaville Police Department
Coffeaville, MS 38922

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Name:

Gage Vance

Title (Superintendent, Sheriff, etc.):

Police Officer CPD3

Defendant's mailing address (street or post office box number, city, state, ZIP)

Coffeeville Police Department
Coffeeville, MS 38922

Name:

James Payne Jr.

Title (Superintendent, Sheriff, etc.):

Police Officer / Sheriff Deputy

Defendant's mailing address (street or post office box number, city, state, ZIP)

Coffeeville Police Dept / Volubus Sheriff Office
Coffeeville, MS 38922

Name:

Larry Tritt

Title (Superintendent, Sheriff, etc.):

Police Officer

Defendant's mailing address (street or post office box number, city, state, ZIP)

Coffeeville Police Department
Coffeeville, MS 38922

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s): _____

Defendant(s): _____

B. Court: _____

C. Docket No.: _____

D. Judge's Name: _____

E. Date suit filed: _____

F. Date decided: _____

G. Result (affirmed, reversed, etc.): _____

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☐ Yes ☒ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☐ Yes ☒ No
7. If you checked "Yes" in Question 6, answer the following questions:

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A. Does the grievance system place a limit on the time within which a grievance must be presented?

☐

Yes

☒

No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☐

Yes

☒

No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

N/A

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

N/A

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Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

I wasn't incarcerated when this happened.

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On or about September 1, 2017 I was at a residence that I rent on 69 Longview Drive Coffeeville MS 38922. I was required to do weekend time Friday at 6 p.m. to Sunday to 6 p.m. As I'm the owner of a trucking company TCK Transport. I had permission via my lawyer from the judge to be in late. The police department who I have had problems with for violating my civil rights as seen in my first lawsuit. [REDACTED] Connected a story I was lying about my whereabouts. So they came to my house with a bench warrant! Gage Vance and James Payne Jr. I seen them on my cameras sneaking around my house I answered the door. They stated they had a bench warrant from Judge Tammy Defer with no paper warrant at all. I tried to explain the whole situation and grabbed my clothes besides me in my living room because that was the door was opened. So they looked around and we left out the door and I locked it. So then Gage Vance lied and states he smelled marijuana and wanted to go back in my house to search. He never said if it was smoked marijuana or raw marijuana which explains him lying. I refused the search. But Gage Vance under the color of law with me being handcuffed after I locked my door threatened

IN Could Run Also that he would shoot me in the back hand on the
State briefly exactly what you want the court to do for you. Do not make legal arguments

one million dollars
~~24,000,000.00 compensation~~
 3,000,000.00 punitive
~~21 one million dollars each~~
 defendant.

mental anguish, emotional distress, duress, intimidation, ^{supervise} Mark Martin also sued for failure to ~~supervise~~ defendants.

Compensatory and \$500,000.00 five hundred thousand dollars punitive, plus \$500,000.00 dollars or replacement costs of replacement key for 2008 Mercedes Benz CLK 350 plus any occurred damage of car for illegally taking keys because roof is still up. Each defendant is sued in individual and official capacities plus also replacement costs of 55 inch t.v smart \$1200.00, one gold watch \$2500.00, one black watch \$1000.00, one radio \$300.00, 2 Pokies \$2000.00 and 2 phones \$2000.00 and 2 pairs of athletic shoes \$300.00. for take protective custody of house which is unreasonable seizure.

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

September 21, 2017

Plaintiff's Signature

Question 9 Continued (1)

He already had harassed me on two separate occasions one time at Rascal Store (by Coffeeville High School) and another time at my house when he tried to pull in my driveway because my car door was open. He didn't get to pull in and I talked with him August 2017 as he was in the same vehicle with the dash camera that was used in August 27, 2016 On or about 3:17 CV 201-RP. He tried to act like afterwards like I had another way in my house. The reason I went to back door was because my front door faces the road and would be easy seen it was broken. My back door couldn't be seen from road so I had to make a choice. By being violated by police officer of this same department and chief and having ~~false~~ charges put on me, being racially discriminated against and having me and my kids life been put in danger in 3:17 CV 201-RP I complied unwillingly. My family and landlord knows there is no way in my house but by keys. Vance lied later trying to make it like I could get in another way. If that was the case why wasn't a search warrant requested? Mark Martin being Chief of Police has supervision and control of all police officers employed by city as verified by 3:17 CV 201-RP and Miss Code Ann. § 21-21-1. Gage Vance was hired but already had the propensity for illegal conduct even before he was hired. Vance was fired from the Metro Narcotics of Oxford, MS for soliciting an informant and tampering with evidence. Martin still hired him anyway. Also said police has common policies and practices to hire police officers to violate rights and racially discriminate against the citizens of Coffeeville, MS 38922 as seen in previous lawsuit. So the

Chelsea
King of
Oxford, MS

Question 9 Continued 2

door broke that goes into my utility room. I went back into living room trying to get my neighbors attention so I went outside trying to scream so my neighbors would spectate and witness ~~what~~ ^{what} had happened. They followed me outside and Gage Vance grabbed my throat saying I was chewing on drugs but I was handcuffed already. He lied. So they searched my whole house having me in one room handcuffed while they searched ~~without~~ ^{without} search warrant or consent because I did not consent. Vance claims he found drugs after being in other rooms, opening up dressers, kicking boxes, and closing cabinets but I never seen them. This was at around 9:00 clock. So on the way out Gage Vance under the color of law picked up my phones in living room which were a white large Samsung phone and a large black Samsung phone and my keys to my car which had my house keys on them. I specifically told Vance to leave them alone but he took them anyway without a warrant. A 2008 Mercedes Benz CLK 350 Key and house keys. No search warrant wasn't issued till 11:35 p.m. and lasted till 11:50 p.m. So I was transported to the jail in Water Valley, MS. I was booked (see attached jail intake sheet) at 9:15 p.m. My keys were not brought in so I had the jailer on duty Jeremy Beckley call the officers Gage Vance and James Payne Jr. The officers stated they found them on the back seat and would give them back and they would bring them back to jail to be put in my property. So I called my sister Glenda Kimble to get my keys as the officers said they would bring them back. They lied. They didn't. (see attached report from jailer Jeremy Beckley) My sister drove all

That's how my car was searched because it was locked before search warrant was issued. He already admitted to having them before the warrant was issued.

Question 9 continued (3)

Around 10:30-11:00 a.m.
 My sister was not
 allowed to enter the
 house or to be around
 leaving jail or to be around
 the house. By October
 of Gage Vance, they
 partial at any
 visit me in the
 Longview
 me did he say
 he had my keys.

the way to the jail in Water Valley from Coffeeville for nothing. The
 keys ~~and~~ my phones 1 white Samsung phone and 1 Black Sam-
 sung phone were never on the back seat but in possession
 of the officers without a search warrant. The warrant itself
 comes into was it legal or not. It was signed by the ~~attorney~~
 Gage Vance and the signature was not of James Payne Jr.
 (See attached warrant) and it. So like warrant said it was issued on
 Sept. 1, 2017 at 11:38 p.m. So on September ^{1st and 2nd} 2017 police did
 not let anyone enter the house stating my family would have
 to be accompanied by CPD. No crime scene or tape was never
 put on or around the house. So on September 3, 2017 under
 the color of law Officer Larry Tritt went with my dad James Kiable
 to the residence to feed my dog not letting him enter the residence or
 anything but the said warrant was already over with. Which is
 an illegal "protective custody" and illegal seizure of said residence.
 CPD specifically stated to my family when they could enter
 the house and they never did trying to be disrespectful
 to my family. So on September 11, 2017 I came to court from
 jail for a preliminary hearing. I asked over and over again
 for my keys. The police stated they was in my house. But
 how could they be back in there when they were illegally
 seized from my house before warrant thus showing that
 they were illegally seized. My lawyer Robert Schulte
 called to my sister who was at court and went to
 the residence to see and Gage Vance had and said they
 were by my refrigerator as witnessed by Ken Bland, lawyer,
 and Larry Tritt. That's also when Larry Tritt admitted to going

Question 9 Continued (4)

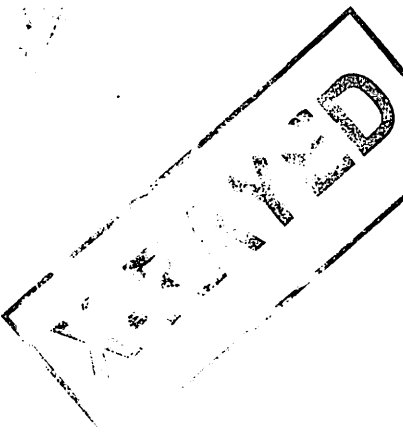
with my dad to my house because he had to by way of Police Office of CPD. Till this day I have not gotten my keys back from them. So when my sister was there my son came down and noticed things were missing. A 55 inch tv, one gold watch, one black watch, one radio for car brand new, 3 rOKys, and 2 pairs of shoes. Being that I have 4 witnesses named at time seen Vance carry out the items. I thought ~~they~~ was taken because of search warrant but ~~they~~ was never listed. There was a place that the witnesses observed that could not be seen by the CPD. Whether it was all took by CPD they still are ~~able~~ because they would not let anybody in house which is suspicious because it like they were hiding things and who else will take a police report of stolen items. CPD ~~thats~~ who! Plus my son went to station the same day and Vance made the comment he wasn't suppose to tell my son but my landlork was at the house. So? He doesn't have any keys what so ever to my house because when I moved in I changed the locks because he brought them. Trying to shift blame of himself to my landlork.

Provisional Number 40000001

U.S. District Court

1803 Hwy 32 East

Water Valley, MS 38965



RECEIVED

JAN 10 2018

UNITED STATES DISTRICT COURT
IN DISTRICT OF MISSISSIPPI

QCS JAN 20 2018



FOREVER
USA

Barn Swallow

United States District Court
Northern District of Mississippi
Office of the Clerk
301 W. Commerce St., #13
Aberdeen, MS 39730

39730-999999

